

IN THE MATTER OF
THE APPLICATION OF
KAMRAN SADEGHI/HOWARD
COUNTY GOVERNMENT

FOR A CERTIFICATE OF APPROVAL
FOR EXTERIOR ALTERATIONS
AT 8423 MAIN STREET
ELLICOTT CITY, MARYLAND

* BEFORE THE
* HOWARD COUNTY
* HISTORIC PRESERVATION
* COMMISSION
* Case No. 19-09

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DECISION AND ORDER

Pursuant to Title 16, Subtitle 6, of the Howard County Code, notice having been properly published, the Historic Preservation Commission (“Commission”) convened a public hearing on March 7, 2019 to hear and consider the application of Kamran Sadeghi/Howard County Government (“Applicant”), for a Certificate of Approval for exterior alterations at 8423 Main Street, Ellicott City, Maryland (the “Subject Property”). The Commission members present were Eileen Tennor, Allan Shad, Drew Roth, Bruno Reich, and Erica Zoren. The following documents, incorporated into the record by reference, are applicable to this case: (1) the appropriate provisions of the Howard County Charter and the Howard County Code, including the Howard County Zoning Regulations; (2) the General Plan for Howard County; (3) the application for a Certificate of Approval and associated records on file with the Commission; (4) the Agenda for the March 7, 2019 Commission meeting; (5) the Ellicott City Historic District Design Guidelines, May, 1998 (the “Design Guidelines” or “Guidelines”); and (6) the general design guidelines listed in Rule 107 of the Commission’s Rules of Procedure.

Summary of Testimony

Ms. Samantha Holmes, Staff to the Commission, presented the application, identifying the work proposed by the Applicant for which approval is requested, and the Staff's recommendation and the basis for the recommendation. Copies of Staff's recommendation and the application were provided to each Commission member and reviewed with the Commission by Ms. Holmes. The Applicant testified in support of the application.

Findings of Fact

Based upon the evidence, the Commission makes the following findings of fact:

A. The Subject Property

The Property is located in the Ellicott City Historic District. SDAT does not have a date of construction for this building, but the church website dates the structure to circa 1896, and the church appears on the 1899 Sanborn maps. During the 2016 flood, the steep grassy slope in front of the St. Luke AME Church was badly eroded, so the County placed rip rap on the slope as a temporary stabilization measure. This rip rap also covers an existing brick wall at the bottom of the slope, the brick sidewalk along Main Street and a small portion of Main Street. The rip rap is held in place on Main Street by movable concrete New Jersey barriers.

B. Proposed Improvements

The Applicant proposes to remove the existing rip rap and assess the existing brick wall at the bottom of the slope. If the wall is structurally sound, the slope will be stabilized with Geo Cell, and the wall will be repaired where needed with existing materials or new materials to match existing.

If the existing wall is beyond repair and must be replaced, the slope will be stabilized by adding fill to decrease the angle of the slope and Geo Cell will be used to stabilize the slope. A new wall up to 6' in height will be constructed of concrete with a brick or stone facing. The new wall will tie into a portion of the existing brick wall that will remain on the northwest side of the property, outside the area of rip rap fill. The existing wall will have a new brick or stone veneer to match that of the new wall. The Applicant prefers to use a red brick facing similar to the existing wall, but is open to using stone. The Applicant has not submitted specifications for the proposed brick or stone facing, but indicates the stone wall will be similar to the low stone walls at La Palapa and Su Casa. The capstone for the brick wall will match the existing. The sidewalk will be reconstructed and widened to 6' with pavers to match existing.

There was an existing, stone wall up the hill from the brick wall. The Applicant reports that most of this wall was washed away in the 2016 and 2018 floods, however, the County will try and preserve what is left of this wall.

C. Staff Report

Chapter 9D of the Guidelines addresses retaining walls. Repair of the wall and sidewalk with existing materials or with new materials that exactly match the existing is considered routine maintenance and does not require a Certificate of Approval. However, removal of the remaining stone wall up the hill from the brick wall, will require a Certificate of Approval. The Guidelines state that "Granite features, especially those visible from public ways, should be preserved with the same attention given to historic buildings." In keeping with the Guidelines, the stone wall should be retained and if necessary, repaired with existing materials.

If a new wall is required, the Guidelines state that “Retaining walls of granite, brick or timber may be appropriate, depending on the context.” The Guidelines recommend against “Poured concrete walls or concrete block walls in locations visible from a public way,” but note that “retaining walls faced with granite or with a surface treatment that resembles Ellicott City’s typical stonework can be appropriate in visible locations.” The Applicant proposes to construct the new wall of poured concrete, but the wall will be faced with brick to match existing brick in the area or stone, if the Commission determines that stone is more appropriate. Either material complies with the Guidelines.

The Guidelines also state that new walls should “require minimal changes to existing topography and natural features.” While the Applicant proposes to change the angle of the existing slope, it is necessary to provide greater stability for the slope, which will help prevent damage from the 2016 flood from reoccurring. The Guidelines state that “Original materials, which include stone, brick and wood, should be preserved.” If the stone wall needs to be removed as a result, it should be salvaged and saved for reuse elsewhere in the District.

The Guidelines, Chapter 10A, Paving Materials and Street Design, note that “The brick sidewalks and crosswalks used along portions of Main Street blend well with the mix of historic building materials.” The proposal to widen the brick sidewalk to 6’ using pavers to match existing complies with the Guidelines.

The County Code requires a fence at least four feet high on top of a retaining wall with a vertical drop of four feet or more, if the retaining wall is in a public right-of-way or near a walkway. If a fence is required, Staff recommends a black metal fence be used in this location, similar to other fences seen in the District.

D. Staff Recommendation

Staff recommends that if the existing brick wall is retained and repaired, then the existing stone wall should also be retained and repaired with existing materials. If the existing brick wall will be replaced, Staff recommends approval of the new retaining wall with a brick or stone facing, with the facing and capstone subject to Staff approval, and material from the existing stone wall to be salvaged and saved for reuse in the District.

E. Testimony

Mr. Shad swore in Mr. Kameron Sadeghi from Howard County's Department of Public Works. Ms. Burgess stated that the County is hoping to repair the wall in-kind, but if that is not possible the County will construct a taller wall to reduce the slope. Ms. Tennor asked if the new wall would still have an apron around the light pole. Mr. Sadeghi stated that it would stay the same, just be taller in size.

Ms. Tennor stated that the single wall was very tall, and asked if the County could possibly minimize the height of the wall by having two stepped walls. Mr. Sadeghi stated it would only be one wall, because one wall will stabilize the slope and a second wall is not needed. He said the second stone wall did not have a structural use. Ms. Tennor stated she understood it could be done with a single wall, but it would look better aesthetically with two walls, which would be less of a barrier next to the sidewalk and more pedestrian friendly. Mr. Sadeghi stated it was very cost prohibitive to have a second wall in the middle of the slope. Mr. Sadeghi stated the County wanted to try to repair the lower wall and stabilize the slope first, and would only resort to the single tall wall if the wall could not be repaired. The County wanted to have approval for the second option in hand in case the existing wall was damaged beyond repair. Ms. Tennor said that the fill behind the higher wall would eliminate the

visibility of the stone wall. Mr. Sadeghi replied that most of the stone wall was no longer there. Ms. Burgess explained that the County was not just concerned about the cost of the second wall, but also about the overhead wires, which would make construction difficult.

Mr. Reich asked if the proposed new wall would be faced with either brick or stone. Mr. Sadeghi stated the County would use a maximum 6-foot concrete wall with a veneer of brick or stone and incorporate the existing wall at the ends. Since the existing wall is brick, they would prefer to use brick facing. Ms. Zoren stated she did not mind the brick, but since this was a prominent wall she would like the County to use a brick pattern with some interest, such as an English or Flemish bond. Ms. Zoren then excused herself and left the meeting.

Ms. Tennor asked Mr. Sadeghi to coordinate with Staff on the details of the design once he was further along. Mr. Reich stated that brick was going to be monotonous at 6 feet tall and asked if the existing sidewalk was brick, too. Mr. Sadeghi clarified that the existing sidewalk paver was also brick. Ms. Tennor stated that the brick for the wall should not be the same color as the sidewalk. Mr. Reich said changing to stone would mean not having to worry about matching the existing brick. Ms. Tennor said it would be an advantage for the wall to be different from the sidewalk. Mr. Reich asked if there was an advantage to using stone versus brick. Mr. Sadeghi stated that brick cost less. Ms. Burgess stated she liked that the brick would be continuous. Ms. Tennor noted that Mr. Reich had said good brick is better than bad stone. Mr. Taylor asked if a railing would be put on top of the wall. Mr. Sadeghi stated there would be a railing and Ms. Burgess said it was a County Code requirement.

Mr. Shad asked if behind the wall up to the sidewalk if it would be grass and not riprap. Mr. Sadeghi stated the slope would be grass.

F. Motion

Mr. Roth moved to approve a new wall with brick or stone facing, to be approved by Staff, with the brick facing replicating the existing wall. Ms. Tennor seconded. The motion passed unanimously with Ms. Zoren absent for the vote.

Conclusions Of Law

Based upon the foregoing Findings of Fact, the Commission concludes as follows:

A. Standards of Review

The standards for review of an application for a Certificate of Approval are set forth in Section 16.607 of the Howard County Code and require consideration of:

- (1) The historic, architectural, or archaeological value or significance of the structure and its relationship to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of such structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetic factors, which the Commission deems to be pertinent.

Section 16.607(c) of the Code further provides:

It is the intent of this subtitle that the Commission be strict in its judgment of plans for contributing structures. It is also the intent of this subtitle that the Commission shall be lenient in its judgment of plans for structures of little historic value or plans for new construction, except where such plans would seriously impair the historic or architectural value of surrounding structures or the surrounding area.

Section 16.607(d) authorizes the Commission to adopt guidelines for its review of applications based on the standards set forth in the Code. Pursuant to this authority, the Commission has adopted the Ellicott City Historic District Design Guidelines. Chapter 9 sets forth the relevant recommendations for Landscape and Site Elements, as detailed in the Findings of Fact, part C. Additionally, Chapter 10 sets forth relevant recommendations for Parking Lots, Public Streets and Street Furniture, as detailed in the Findings of Fact, part C.

B. Application of Standards

Applying these standards and guidelines to the Subject Property, the Commission finds that it contributes to Ellicott City's historic significance. Consequently, in reviewing the application, the Commission will be strict in its judgment. The Commission finds that the Applicant's proposal would not impair the historic or architectural value of the surrounding area. The Commission finds that the proposal is consistent with the Guidelines. The evidence supports this conclusion.

The Applicant proposes to work on a failed slope caused by flooding in 2016. The slope supports a historic church. Since the 2016 flood, riprap has been in place to stabilize the slope. The condition of existing retaining walls supporting the slope is unknown as they are covered by the riprap.

The Applicant proposes to repair the existing brick wall at the bottom of the slope, if possible, with matching materials. If the wall is beyond repair, the Applicant will build a new wall up to 6 feet in height, while also reducing the angle of the slope to prevent future failures, which will preserve the historic church *in situ*. Although changes in topography are disfavored by the Guidelines, here the change is minimal and is necessary to preserve a historic structure. Additionally, the slope is not a contributing characteristic to the historic or architectural value of the church building. The Applicant will use either brick to match the existing, or a stone facing that resembles other retaining walls in the District. Either material must be approved by Staff. The new wall will have a black metal railing to be approved by Staff, that will match similar railings throughout the District. The Applicant will also attempt to repair a smaller stone wall higher up the slope, in kind, if anything remains after the flood. Any historic materials that cannot be repaired will be salvaged for reuse elsewhere in the District.


For these reasons, and for the reasons identified in the Staff Report, and the reasons stated by the Commission, the Commission concludes that the proposed work will not impair the historic and architectural value of the surrounding area. The application complies with the Guidelines and standards applicable to the Ellicott City Historic District.

ORDER AND CERTIFICATE OF APPROVAL

Based on the foregoing Findings of Fact and Conclusions of Law, by a vote of 4 to 0, it is this 4 day of April, 2019, **ORDERED**, that the Applicant's request for a Certificate of Approval at the Subject Property, is **APPROVED**, **AS AMENDED HEREIN**.

**HOWARD COUNTY HISTORIC
PRESERVATION COMMISSION**


Allan Shad, Chair

Bruno Reich

Drew Roth


Eileen Tennor

ABSENT
Erica Zoren

APPROVED for Form and Legal Sufficiency:

HOWARD COUNTY OFFICE OF LAW



Lewis Taylor
Senior Assistant County Solicitor

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER/CERTIFICATE OF APPROVAL MAY APPEAL THE DECISION TO THE CIRCUIT COURT FOR HOWARD COUNTY WITHIN THIRTY DAYS OF THE DATE OF THE DECISION.